

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 20th DAY OF May, 2011)

Hon'ble Dr.K.B.S. Rajan, Member (J)

Hon'ble Mr. D.C.Lakha, Member (A)

Original Application No.1199 of 2006

(U/s 19, Administrative Tribunal Act, 1985)

Pradeep Kumar Thakur,
S/o Sri Kamala Thakur,
Resident of Atal Bihari Nagar,
Unnau.

..... **Applicant**

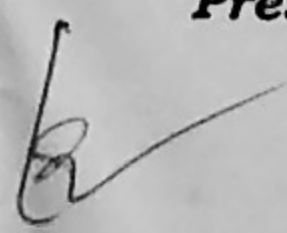
Present for Applicant : Shri L.M.Singh, Advocate.

Versus

1. Union of India through the Secretary,
Ministry of Defense,
R.K.Puram,
New Delhi.
2. The Principal Director,
Defense Estate,
Ministry of Defense,
Central Command,
Lucknow.
3. The Defence Estate Officer,
Lucknow, Circle, Central Command,
Cant Lucknow.

..... **Respondents**

Present for Respondents: Shri H. Singh, Advocate



ORDER

(Delivered by Hon. Dr. K. B. S. Rajan, Member-J)

The applicant in this case has prayed for the following relief(s):

- (a) Issue a writ order or direction in the nature certiorari calling for the records pursuant to which order impugned dated 9.10.2001 (Annexure no. A-1 to this Original Application) has been passed by respondent No. 3 and quashed the same.
- (b) Issue a writ order or direction in the nature mandamus to commanding the respondents to reinstate the applicant in service on the post of Chaukidar with full back wages and all other consequential benefits.
- (c) Issue a writ, order or direction in the nature of mandamus commanding to respondents to consider the regularization of service of the applicant on the post of Chaukidar with all consequential benefits.
- (d) Issue any other and further writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

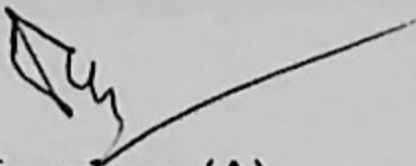
2. The OA has been contested by the respondents. According to them, the services of the applicant have been obtained only to tide over a purely temporary requirement of watching a ground at a place called Unnao and once the requirement is over, there is no need to have the services of the applicant.

3. Heard Mr. L. M. Singh, learned counsel for the applicant and Mr. H. Singh, learned counsel for the respondents.

4. This is a case wherein the applicant having served as casual *Chowkidar* on 89 days basis from 1999 to 2001 claims regularization. Admittedly, his employment is only for a temporary task to watch and ward the camping ground at

temporary task to watch and ward the camping ground at Unnao vide Annexure CA 1 order dated 29-07-1998. But for this basic order, there would not have been any possibility of the applicant to have been engaged as casual chowkidar. As such, when there is no requirement, there is no question of regularization. Again, it is not the case which could be brought within the ambit of the casual labour regularization scheme of 1993, which has been termed as an one time measure vide the decision in the case of **Union of India vs Mohanpal (2002) 4 SCC 573**. Nor is it a case which could come within the provisions of para 53 in the case of **State of Karnataka vs Umadevi (2006) 4 SCC 1** whereby a scheme is authorized to be framed in respect of regularization of those casual labourers having put in more than 10 years of service.

4. Since there is no provision to accommodate the applicant for regularization, the OA stands dismissed. No costs.


Member (A)

Member (J)

Shashi